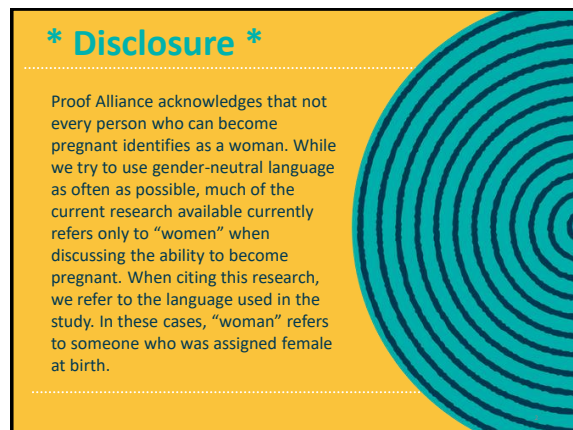


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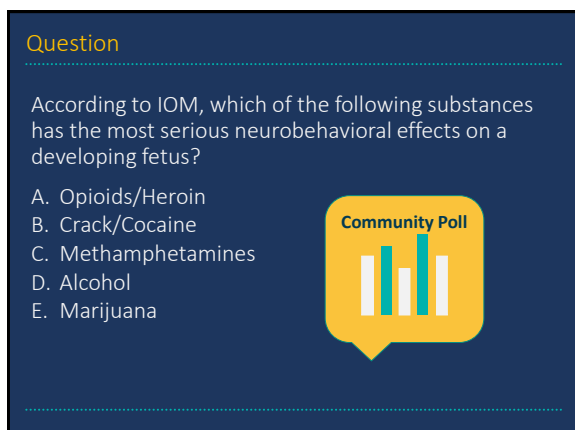
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6

True or False?


Prenatal alcohol exposure is the leading cause of preventable brain injury in the United States.



7

True.

Placentas aren't magical booze blockers.




8

FASD Impacts Us All

What demographic of women are most likely to drink alcohol during pregnancy?

- A. Those without a high school diploma
- B. Those with a college degree
- C. Those with a high school diploma




9

Complex Public Health Issue

College Educated
Middle Class

FASD impacts across all racial, ethnic, and socioeconomic statuses



10

Brain Injury Resulting from Prenatal Alcohol Exposure is Settled Science


- Dr. Jones & Dr. Smith: First Diagnosis (1973)
- American College of Obstetrics and Gynecology (1996)
- Centers for Disease Control (2002)
- U.S. Surgeon General (2005)
- American Academy of Pediatrics (2015)

All have issued statements based on the scientific PROOF:

"No amount of any kind of alcohol can safely be consumed during any point during a pregnancy."

11

Fetal Alcohol Syndrome



"Each of their mothers was an alcoholic"

Jones, Kenneth L, and David W Smith. "Recognition of the fetal alcohol syndrome in early infancy." *The Lancet* 302.7836 (1973): 999-1001.

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Facial Features of FAS



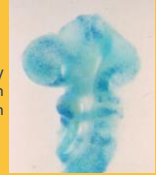
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Alcohol is a teratogen and kills specific cells in the developing brain depending upon the stage of development



A 10-day mouse embryo (corresponding to a 28-day human embryo)

Cells killed by alcohol have taken up dark blue stain

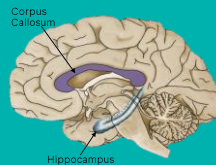
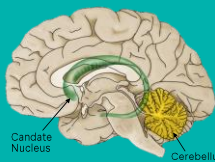


14

FACT

Prenatal alcohol exposure can damage the corpus callosum and hippocampus, causing cognitive, attention, and memory problems.

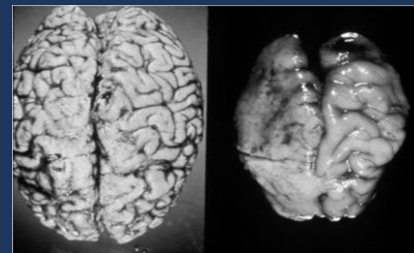
Prenatal alcohol can cause damage to the caudate nucleus and cerebellum, causing problems with attention and cognition.



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Impact of Prenatal Alcohol Exposure

Autopsy Study



6 weeks old

6 weeks old

Photo courtesy of Sterling Clarren, MD

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The Brain

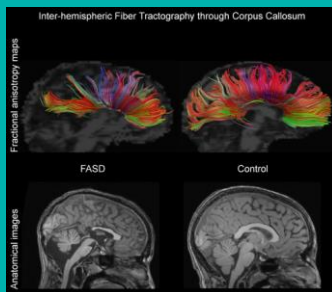


Photo courtesy of Dr. Jeffery Wozniak, 2019 University of Minnesota

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What is FASD?

- Fetal alcohol spectrum disorders (FASD) are brain-based disorders with a variety of symptoms including physical, mental, behavioral, and learning disabilities.
- FASD is **only** caused by prenatal alcohol exposure; prenatal alcohol exposure affects each person differently.
- FASD is a permanent disability, there is no cure, but it is 100% preventable.

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FASD is Not a Diagnosis: It is an Umbrella Term

FAS	fetal alcohol syndrome
PFAS	partial fetal alcohol syndrome
ARND	alcohol related neurodevelopmental disorder
ARBD	alcohol-related birth defects
FAE	fetal alcohol effects (outdated term)

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Challenges in Identifying FASD



FASD is often referred to as an invisible disability.
Can you identify which of these people has an FASD?

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Prevalence of Autism

1 in 68

21

Prevalence of FASD



22

The Impact

- In Minnesota, an estimated 8,200 babies are born each year with prenatal alcohol exposure.
- The estimated cost to Minnesota is \$131 million annually for Fetal Alcohol Syndrome (FAS) for education, juvenile justice, medical, and mental health services
- Nationally, costs of FAS alone is \$6 billion
- A person living with an FASD faces an estimated \$2 million cost over their lifetime

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Overlapping Characteristics – What can FASD look like?

Overlapping Characteristics & Mental Health Diagnoses	FASD	ADD/ADHD	Sensory Int. Dys.	Autism	Bipolar	RAD	Depression	ODD	Trauma	Poverty
Early distracted by extraneous stimuli	Often	X								
Developmental Delay	X									
Fail Different from other people	X				X					
Often does not follow through on instructions	X	X					X	X	X	X
Often interrupts/ intrudes	X	X	X	X	X		X			X
Often engages in activities without considering possible consequences	X	X	X	X	X					X
Often has difficulty organizing tasks & activities	X	X		X	X		X			X
Difficulty with transitions	X		X	X	X					
Is impulsive, control, acts hyperactive	X	X	X			X				
Sleep Disturbance	X				X		X			X
Indiscriminately affectionate with strangers	X		X		X					
Lack of eye contact	X		X	X		X	X			
Not usually	X			X		X	X			
Laugh about the obvious	X				X	X				
Learning lags: "Won't learn, some can't learn"	X		X			X			X	X

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Secondary Conditions: FASD By the Numbers

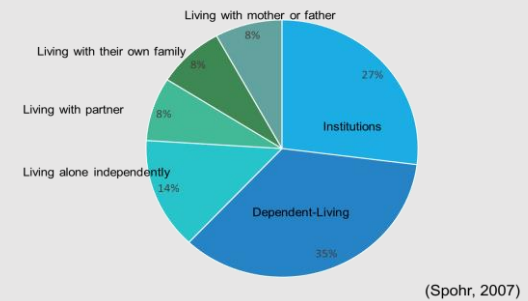
- 94% Mental illness
- 60% Disruptive school experience
- 60% Involved with the criminal justice system
- 50% Confined (jail, prison, CD facility, psychiatric hospital)
- 50% Adolescents who display inappropriate sexual behaviors
- 30% Alcohol/Drug problems
- 80% Dependent living
- 80% Employment problems

Streissguth, et. al 1996

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Adults with FASD at 20 Year Follow Up



(Spohr, 2007)

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Chronological vs. Developmental Age

What happens when you have a person with an FASD that is operating at about half their chronological age?



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Developmental Skills: Case Example

Physical maturity	→	18 years old
Comprehension	→	6 years
Emotional maturity	→	6 years
Social Skills	→	7 years
Concept of money, time	→	8 years
Reading level	→	16 years
Expressive language	→	20 years

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Did you Know?

12.8

Average age children with an FASD begin having trouble with the law

American Bar Association, 2012

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Why?

- Difficulty with impulse control, and inability to understand future consequences of current behavior
- Difficulty planning, connecting cause and effect, empathizing, taking responsibility, delaying gratification or making good judgements.
- Tendency toward explosive episodes, aggression, and longer period to calm or regulate themselves
- Poor social skills, lack of boundaries, difficulty identifying dangerous people.
- Easily influenced by others (e.g., may commit a crime to please their friends)

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Risk Factors

73-80% of children with FASD are in foster or adoptive placements

FASD is 10-15 times more prevalent in foster care than in the general population

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Red Flags

- Biological family history of substance abuse
- Known drug exposure (co-occurrence of drug and alcohol use)
- Children in foster and/or adoptive care system
- School difficulties starting at a young age
- Maternal mental illness
- Siblings with an FASD or a related diagnosis
- Multiple diagnoses and meds don't work
- Regions with exceptional high rates of alcohol consumption or known cases of FASD
- Involvement in criminal justice system and/or substance use at a young age

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Assumptions In/About the Legal System

- A person understands when they appear to understand and say they do.
- A person would not make a statement against interest unless forced to do so or it was true.
- A person makes informed and voluntary choices to commit crimes and to exercise rights.
- Defendants understand consequences: if you do x, y will happen
- If someone acts inappropriately in court, probably not taking process seriously

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FASD in the Criminal Justice System

- They are vulnerable to confabulation and making false confessions
- They may be unable to understand the charges against them and participate in their own defense
- They may find it difficult to distinguish right from wrong, understand consequences or from intent
- They may have difficulties understanding waivers, pleas, consequences of not complying with court orders
- Attorneys may be successful in presenting FASD as a mitigating factor. Alternative/diversionary sentencing options should also be explored
- Court ordered treatment is sometimes the most appropriate intervention. Youth are likely to be safer in a juvenile facility than an adult prison due to vulnerabilities.

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School to Prison Pipeline



Colton Harris-Moore AKA the Barefoot Bandit smiles after his 7-year sentencing

The story of Colton Harris Moore is a case study of what may be seen in individuals on the spectrum that go undiagnosed for years and without the proper support.

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Colton's Story

- Colton's 1st Grade Report Card noted that "Colt needs to continue to work on listening, following directions and keeping hands to himself as Colt has difficulty with self-control" (January 1997).
- In 2nd Grade his Report Card reflected a much larger number of behaviors identified as needing improvement: working independently, working cooperatively, following oral directions, following written directions, assuming responsibility for his actions, self-control, following playground rules, following classroom and school rules
- Colton's behavioral problems were even more pronounced by the end of the 3rd Grade. Each of the following had become bad enough to be called an "Area of Concern" - demonstrates respect for adults, cooperates well with others, follows class rules, assumes responsibility for actions

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Hennepin County FASD Screening Project

August 2008 – May 2012

- 169 adjudicated delinquents were screened for prenatal alcohol exposure (PAE)
- 77 (46%) youth screened positive for PAE
- 63 (81% of the 77) youth completed the FASD diagnostic evaluation process
- 58 (92% of the 77) youth were diagnosed with FASD

© Hennepin County, 2012

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Reduced Recidivism & Placement

- 58% of youth with FASD had no new offenses and no probation violations
- 75% had either no change in placement or moved to a placement that was equally or more appropriate for their needs as specified in the diagnostic evaluation report

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Increased School Success

- 83% showed no or reduced numbers of suspension at follow-up as compared to baseline
- 100% showed no expulsions at follow-up
- 67% show increased attendance levels
- 25% showed no or reduced numbers of incidence reports at follow-up as compared to baseline



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Why We Recommend PAE Screening

- Recognize the brain injury/disability
- Improved outcomes
- Approaches can be modified
- Reduced frustration and anger
- Reframe poor self-perception
- Prevention of future alcohol exposed pregnancies

© Hennepin County, 2012

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Screening Saves Lives

Average Life Expectancy With FAS

34

Average Life Expectancy

82

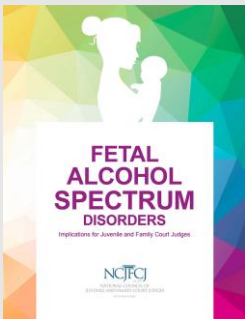
A RECENT RESEARCH STUDY ESTIMATED THAT THE AVERAGE LIFE EXPECTANCY FOR SOMEONE WITH FETAL ALCOHOL SYNDROME IS 34.

J Popul Ther Clin Pharmacol. 2016;23(1):e53-9. Epub 2016 Mar 9.

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FASD does not provide absolution for misconduct. It is not an excuse for one's behavior but it is often an explanation for the behavior

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Bench Guide:
Excellent Resource for
Juvenile and Family
Court Judges

<https://www.ncjfcj.org/FASD-Guide>

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“Just Common Sense”:
New Court Designed for People with FASD



People enter the law courts in Winnipeg on Monday, February 5 (the Canadian Press / John Woods)

WINNIPEG – Lawyers and judges say a new court set to open in Manitoba specifically for people with fetal alcohol spectrum disorder could be a game changer

Kelly Geraldine Malone, The Canadian Press

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Strategies, Not Solutions

- Strategies are not transferable from one person to another. One size does not fit all
- Recognize the concept of neuro-diversity. Change the paradigm around IQ and intelligence.
- Incorporating even a few strategies can make a big difference

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Strategies to Improve Comprehension

- Because socioemotional age is much younger than chronological age, helpful to think of them as much younger when questioning or giving instructions
- Use simple, short sentences and clear, concrete terms. People with FASD have difficulty with abstractions and generalizations
- Speak slowly, repeat often
- Avoid legalese and acronyms
- Use visual aids. Encourage use of calendars, checklist
- Take extra breaks to allow attorney to explain ongoing process.
- Confirm understanding of key concepts and rights
- Limit distractions in the courtroom

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Strategies to Improve Comprehension (cont.)

- Be aware of the fact individuals with a FASD have a desire to please and fit in and may pretend to understand when they don't.
- Listen carefully to notice a lack of understanding, miscommunication or confusion.
- Rewrite commonly used documents so that they are in plain English and have places for people to initial. The use of initialing allows both a judge and the individual to focus on one term of an agreement at a time.
- Rewrite terms of probation/case plans and prioritize them so as not to overwhelm parties or set them up for failure.

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Strategies for Sentencing and Supervision

- Refer for FASD screening/diagnosis to include placement recommendations and necessary accommodations
- Take interdisciplinary approach in sentencing and probation to develop individualized case plans
 - Juvenile Court of Colorado's Seventeenth Judicial District Juvenile Court FASD Project and Hennepin County FASD Project
- Consider interventions to address social skills and adaptive functioning skills with individuals on the spectrum.

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Strategies for Sentencing and Supervision (Cont.)

- Consider shorter sentences and longer supervised probation
 - Incarceration often leads to offender being victimized
- If possible, identify someone who can be an “external brain” or advocate for the individual and help them think through decisions, behaviors, consequences
- Mentoring or coaching is often more effective than group classes/interventions.
- Mention potential FASD condition to person and in documents



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<https://www.youtube.com/watch?v=9c2LABrjnQk&feature=youtu.be>

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Proof Alliance Resources

- Public awareness & prevention
- Community grants & partners
- Family engagement & support
- Diagnostic clinic & screening
- Youth & young adult program
- Public policy work
- Professional education
- Proof Alliance website resources



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